

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL SHAWN GLADDEN

Defendant-Appellant.

UNPUBLISHED
September 3, 1999

No. 203625
Recorder's Court
LC No. 95-006243

Before: Markman P.J., and Saad and P. D. Houk*, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of second-degree murder, MCL 750.317; MSA 28.549, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2), for which he was sentenced to fifteen to thirty years' imprisonment and two years' consecutive imprisonment, respectively. Defendant appeals by right, challenging the proportionality of his murder sentence. We affirm.

Defendant contends that the trial court abused its discretion by imposing a disproportionately long term of incarceration within the sentencing guidelines recommendation. We disagree. Because the sentence is within the sentencing guidelines range, it is presumptively proportionate. Defendant has failed to overcome the presumption of proportionality by identifying the kind of unusual circumstances that may render a sentence within the guidelines range disproportionate. *People v Daniel*, 207 Mich App 47, 54; 523 NW2d 830 (1994).

Affirmed.

/s/ Stephen J. Markman
/s/ Henry William Saad
/s/ Peter D. Houk

* Circuit judge, sitting on the Court of Appeals by assignment.